

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 21, 2003**

**DIVISION TWO**

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B160378 People v. Mendoza  
B156792 People v. Zacarias  
B156848 People v. Gereau  
B158558 People v. Baca  
B158024 People v. Greer  
B152156 Benetic Financial v. Wedgewood Retirement Inns  
B149957 People v. Matthews, et al.  
B160025 People v. Marroquin  
B159694 People v. Philpot  
B161421 DCFS v. Michael D.  
B162815 DCFS v. Yolictza L.  
B161498 DCFS v. Nadia W.  
B162120 DCFS v. James P.  
B160485 DCFS v. Julie D.  
B164965 Dawn Z. v. SCLA

Argument waived, cause submitted.

B160013      City of El Segundo  
                 v.  
                 South Bay Regional Public Communication

Merits:

Argued by Renee J. Laurents for appellant and by Roger B. Coven for respondent. Cause submitted.

April 21, 2003 (Continued)

DIVISION TWO (Continued)

B155530 Williams  
v.  
J & J Equipment Rental, et al.

Merits:

Appearances made by Sandra M. Falchetti for appellant, by Steven L. Anderson for respondent, Electric Eel Manufacturing and by Paul Burke for respondent, Nations Rent. Due to settlement negotiations, the Court continued oral argument to April 28, 2003.

B157511 Scott  
v.  
Lane, et al.

Merits:

Argued by Adam C. Belsky for appellant and by Richard L. Stone for respondents. Cause submitted.

B143686 Bush, et al.  
v.  
Morgan, Lewis & Bockus

Merits:

Argued by John E. Andrews for appellants and by James P. Fogelman for respondent. Cause submitted.

B158406 Essex Ins. Co.  
v.  
Lexington Ins. Co.

Merits:

Argued by Heather L. Sullivan for appellant and by James P. Wagoner for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

DIVISION TWO (Continued)

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

B160897     People  
              v.  
              Gonzalez

Merits:  
Argued by Christopher Melcher for appellant and there being no  
appearance by counsel for respondent. Cause submitted.

B155431     People  
              v.  
              Nevarez

Merits:  
Argued by Lance Winters, Deputy Attorney General for respondent and by  
Katharine Greenebaum for appellant. Cause submitted.

B158576     People  
              v.  
              Marrero

Merits:  
Argued by Kenneth N. Sokoler, Deputy Attorney General for respondent  
and by Christine C. Shaver for appellant. Cause submitted.

B158940     Brown, et al.  
              v.  
              Lincoln Memorial Park, Inc.

Merits:  
Argued by Scott E. Schutzman for appellants and by Anthony DiMonte for  
respondent. Submission deferred.

April 21, 2003 (Continued)

DIVISION TWO (Continued)

B162199 Rick Auerbach County Assessor  
v.  
Hitco Carbon Composites, Inc.

Merits:

Argued by Albert Ramseyer for appellant and by Wade E. Norwood for respondent. Cause submitted.

B159159 Los Angeles County, D.C.S.  
v.  
Rosa and Ignacio S.

Merits:

Argued by Judith A. German for respondent, Department of Children and Family Services; by Robert R. Walmsley for appellants, Rosa and Ignacio S.; by Vincent W. Davis for respondents, Manuel and Aleida P. and by John L. Dodd for appellant, Harry N. Cause submitted.

Court Adjourned.

DIVISION THREE

B156025 People (Not for Publication)  
v.  
Allen Rendell French

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect that a consecutive sentence was imposed on count 2, and that the total sentence is six years eight months. The trial court is ordered to forward a certified copy of the corrected abstract to the Department of Corrections.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

April 21, 2003 (Continued)

DIVISION THREE (Continued)

B158745      Richard Thacker III                      (Not for Publication)  
                 v.  
                 Randy B. Wasoff

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

DIVISION FOUR

B161112      People    (Not for Publication)  
                 v.  
                 Miron

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:    Epstein, J.  
                 Curry, J.

B164758      Michael S.    (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (DCFS, r.p.i.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur:    Hastings, J.  
                 Curry, J.

## DIVISION FOUR (Continued)

B132070      People                                  (Not for Publication)  
v.  
Roeung, et al.

As to appellant Roeng, the judgment is modified to provide that the sentence on count 7 is to run concurrently with the sentence on count 6, and to delete the suspended parole revocation fine pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections. As to appellant Menh, the judgment is modified to provide that the sentence on count 7 is to run concurrently with the sentence on count 6, and to delete the suspended parole revocation fine pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

As to appellant Evangelista, the judgment is affirmed.

As to appellant Buth, the judgment is modified to delete the suspended parole revocation fine pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

As to appellant Bui, the judgment is modified to provide that the sentence on count 7 is to run concurrently with the sentence on count 6, and to delete the suspended parole revocation fine pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

As to appellant Ngo, the judgment is affirmed.

As to appellant Nuth, the judgment is modified to delete the suspended parole revocation fine pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

April 21, 2003 (Continued)

## DIVISION FOUR (Continued)

B154789 People (Not for Publication)  
v.  
Valencia et al.

As to appellant Lopez, the judgment of conviction on count 50 is reversed, and the trial court shall enter a judgment of acquittal. Resentencing is not required. In all other respects, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections. As to appellant Valencia, the judgment is affirmed. As to appellant Navarro, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B159591 Cronus Investments, Inc., et al. (Not for Publication)  
v.  
Concierge Services, et al.

The order of the trial court is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION SIX

B157376 People (Not for Publication)  
v.  
Hunter

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

April 21, 2003 (Continued)

## DIVISION SIX (Continued)

B153465 People (Not for Publication)  
v.  
Green

We reverse Green's conviction for grand theft person, and the portion of his sentence affected by admission of his prior convictions. The matter is remanded to determine the truth of the prior conviction allegations and for resentencing. After resentencing, the trial court shall prepare a modified abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B159449      In re Christopher Capistran      (Certified for Publication)  
on Habeas Corpus

The judgment granting Capistran's petition for writ of habeas corpus is affirmed. On remand, the trial court shall order the Governor to vacate his November 18, 1999, decision. The Board's decision to grant parole shall be deemed reinstated as of the date of the superior court's vacation order. The Governor, in his discretion, may thereafter issue a new decision pursuant to his authority under Article V, section 8(b), and section 3041.2.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.